

By: Marquez

H.B. No. 3764

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the policies of the Texas Department of Criminal  
3 Justice regarding the use of, and treatment of inmates confined in,  
4 administrative segregation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 501, Government Code, is  
7 amended by adding Section 501.0221 to read as follows:

8 Sec. 501.0221. REVIEW OF ADMINISTRATIVE SEGREGATION  
9 POLICIES; REPORT. (a) The department shall conduct a review of the  
10 department's policies regarding the use of administrative  
11 segregation. The review must:

12 (1) examine methods to reduce the number of inmates  
13 confined in administrative segregation, including methods of  
14 safekeeping other than administrative segregation;

15 (2) consider adoption of any standards contained in  
16 the American Bar Association's Criminal Justice Standards on the  
17 Treatment of Prisoners that are applicable to the use of  
18 administrative segregation;

19 (3) address providing an inmate confined in  
20 administrative segregation with an opportunity to return to the  
21 general prison population more quickly than the inmate otherwise  
22 might, if the inmate consistently exhibits good conduct and  
23 complies with department rules; and

24 (4) study the impact of extended confinement in

1 administrative segregation on an inmate's physical and mental  
2 well-being and consider adoption of a policy that establishes the  
3 maximum amount of time that an inmate may be confined in  
4 administrative segregation, absent a determination by the  
5 department that placing the inmate in the general population would  
6 threaten the safety of the inmate or another person.

7 (b) Not later than December 31, 2012, the department shall  
8 report the results of the review to the governor, the lieutenant  
9 governor, the speaker of the house of representatives, and the  
10 standing legislative committees with primary jurisdiction over the  
11 department.

12 (c) If the department concludes that it is impossible or  
13 undesirable to reduce the number of inmates confined in  
14 administrative segregation, the department shall state the reasons  
15 for this conclusion in the report required under Subsection (b).

16 (d) This section expires February 1, 2013.

17 SECTION 2. Subchapter A, Chapter 501, Government Code, is  
18 amended by adding Sections 501.023 and 501.024 to read as follows:

19 Sec. 501.023. USE OF ADMINISTRATIVE SEGREGATION. (a) The  
20 department shall adopt a policy that prohibits confining an inmate  
21 in administrative segregation based solely on:

22 (1) the inmate's membership in a gang or identified  
23 security threat group;

24 (2) the inmate's misconduct or disciplinary record  
25 while in the custody of the department, unless the misconduct or  
26 record is substantiated by a sworn statement of the inmate or  
27 another person; or

1           (3) the personal safety needs of the inmate or another  
2 person, unless the department determines that methods other than  
3 confinement in administrative segregation are insufficient to  
4 ensure the safety of the inmate or another person.

5           (b) The policy must require the department to conduct  
6 frequent reviews of the suitability of transfer to the general  
7 population of inmates placed in administrative segregation.

8           Sec. 501.024. SERVICES TO INMATE IN ADMINISTRATIVE  
9 SEGREGATION. The department shall adopt a policy that allows an  
10 inmate confined in administrative segregation:

11           (1) to participate in educational courses,  
12 work-related training, or other technical or vocational programs  
13 that are available to the general inmate population, including  
14 programs and services designed to reduce membership in gangs or  
15 security threat groups;

16           (2) to have contact visits with the inmate's family;

17           (3) adequate and regular access to mental health  
18 services; and

19           (4) for an inmate who is confined in administrative  
20 segregation immediately before the inmate's release or discharge  
21 from the department, access to services and programs that assist  
22 inmates in developing:

23           (A) the ability to obtain and maintain long-term  
24 employment and stable housing; and

25           (B) social skills and life skills, including  
26 building and maintaining parenting skills, anger management  
27 techniques, positive family interactions, and law-abiding

1 behavior.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2011.